

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C90-019

v.

Jonathan N. Tweed, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Jonathan N. Tweed, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Investigations were conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported their evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Finding of Facts with respect to the professional performance of the Respondent:

Findings of Facts

1. On March 9, 1989, the Respondent was arrested by the East Greenwich Police Department for operating a motor vehicle with a suspended license and for possession of cocaine. The Respondent pleaded Nolo and was placed on three years probation for possession of cocaine. He was also referred to the Treatment Alternative to Street Crime (TASC) program for substance abuse counseling, ordered to perform 100 hours of community service, and ordered to pay the Drug Education Fund the sum of Four Hundred Dollars.
2. On December 23, 1990, while the Respondent was

conduct and resisting arrest. The charges stemmed from an incident in which the Respondent threatened his neighbors. Police report that at the time of his arrest the Respondent's breath had a strong odor of alcohol. The Respondent entered a plea of Nolo Contendere and was ordered to pay \$300 to the Victim's Indemnity Fund.

3. The Respondent's actions constitute unprofessional conduct in violation of Rhode Island General Laws 5-37-5.1 (3).

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 7048. Respondent's mailing address is 63 King St., East Greenwich, Rhode Island 02818c

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee RI of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- The right to appear personally or by counsel or both before the Board;
- The right to produce witnesses and evidence in his behalf at a hearing;

- f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
 - i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (5) If the Consent Order is not accepted by the Respondent, the Investigating Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, an Administrative Hearing will be scheduled. A Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's finding of unprofessional conduct with a sanction of Probation while the Respondent completes a three year contract with the Physician's Health Committee. The Physician's Health Committee must file quarterly status reports on the progress of the Respondent. Upon completion of two years of the contract with the Physician's Health Committee, the Respondent will submit to a psychiatric evaluation by a psychiatrist chosen by the Board. The psychiatric evaluation shall be sent to the Board for review.

(10) An Administrative Fee of \$2,500 will be imposed as provided in section 5-37-6.3 of the General Laws of the State of Rhode Island. The fee shall be payable within 60 days of acceptance of this Consent Order.

Signed this 20th day of Feb. 1992.

Ratified by the Board of Medical Licensure and Discipline at

a meeting held on March 11, 1991.

Barbara DeBuono

Barbara A. DeBuono M.D., M.P.H.

Chairperson

Board of Medical Licensure and
Discipline